

EDGEFIELD COUNTY COUNCIL MINUTES

Minutes

December 2, 2008

The regular meeting of the Edgefield County Council was held at 6:00 P. M. Tuesday, December 2, 2008, in the County Council Chambers, 225 Jeter St., Edgefield.

Members present

C. Monroe Kneece, Chairman
Willie C. Bright, Vice Chairman
Norman Dorn, Councilman
Joel D. Hudson, Councilman
B. Everette Kitchens, Councilman

Others present

John Pettigrew, Jr., County Administrator
John Byrd, Jr., County Attorney
Lynn Strom, Finance Manager
Barbara R. Stark, Clerk to Council
And others as per the list attached

Chairman Kneece called the meeting to order and Councilman Hudson gave the invocation. The Pledge of Allegiance to the Flag was recited.

Motion was made by Councilman Kitchens, seconded by Councilman Bright, to approve the December 2, 2008 agenda. Motion carried unanimously.

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Motion was made by Councilman Bright, seconded by Councilman Kitchens, to approve the November 4, 2008, Minutes of the Regular Meeting of the Edgefield County Council, and the motion carried unanimously.

Reports

No comments.

Public Hearings

Public hearings were held to receive written and/or oral comments on the following ordinances:

Ordinance No. 08-09-604, "An Ordinance Amending Edgefield County Ordinance Number 07-08-596, an Ordinance Providing for the FY 08-09 General Operating Budget, to Reduce Revenues and Expenses Provided for in the FY 08-09 budget."

No comments, written or oral from the public.

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Ordinance No. 08-09-601, “An Ordinance Providing for a Lease and Agreement Between Edgefield County and Western Carolina Aviators, LLC, for Approximately One Acre of Land with Improvements Consisting of a Metal Aircraft Hangar Building Located at the Trenton Airport.”

Mark DuPont addressed council concerning the hangar that he, John Moore, and Dick Murphy currently occupy. “As I understand the lease right now, it shows a proposed amount of \$100 a month for a five year period. We would like to request that the amount be reduced to \$75 which is more appropriate for the facility that we would be leasing based on the rent that is paid for other facilities in the area, and, if not, to reduce the term of the lease to one year so it would give us a chance to find another home and leave because \$100 a month is more than what that facility is worth, especially since we built the hangar and it cost the county zero dollars to this point.”

Dick Murphy spoke. As Mark and John and I have talked about, again as Mark stated, compared to other county airports, \$120 to \$150 a month is what we would pay at the others but there are also amenities to go along with that. We would have had to stop flying an hour ago. There are just lots of other things associated with Edgefield County airport that isn’t exactly in keeping with general aviation and each one of us has been there for more than fifteen years. We are comfortable, we like it where our planes are. We would like to keep the arrangement and keep our planes there – it works for us. As Mark said we do not want this to come up to council for the next twenty years for them to spend half of their time in meetings dealing with the airport. The five years as you look at it, represents an \$18,000 commitment from us and the way it is structured anyone of us could become liable for that. One of the things we would like considered is that if it isn’t going to be reduced from the \$100 a month to \$75 change it to an annual with automatic renewal where with a sixty day notice either from the county to us or from us to the county that it isn’t working.

Linda Anderson. Linda stated that managing the airport takes more than cutting the grass. The proposed lease with Western Carolina LLC leaves many issues unresolved, such as the additional need for airport liability insurance, the deeply discounted rental rate proposed for five years with increases held in a questionable formula and are these funds going to be utilized to maintain the airport or will they be used for some other area? We would like to have the airport function as a cohesive unit – that is what we have strived for all along. To accomplish this it may be better to place this hangar under Plane Fun through a lease (an amendment to our lease) rather than having a separate hangar. For sixty three years the heart of this airport has been beating sometimes very quickly because of the activity, sometimes very faintly. So faintly that its demise appeared imminent, yet it continues to be. We will do everything we can to continue, we just ask that the county and all of those with the airport stand with us and support us.

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Johnny Anderson. We have been there fourteen years (wanted to make that correction). This has been very costly, mentally and physically. We have put a lot into it to make the airport what it is now. For us to continue this quality of management and improvement we need the support of the county. We need you all to work with us. I know you all (council) working with the public you cannot please everyone. You know that as much as anyone in this room and I think you all should do what you feel is best for the county and for the airport.

Ordinances

Ordinance No. 08-09-604

Motion was made by Councilman Kitchens, seconded by Councilman Bright, to approve second reading of Ordinance No. 08-09-604, "An Ordinance Amending Edgefield County Ordinance Number 07-08-596, An Ordinance Providing for the FY 08-09 General Operating Budget, to Reduce Revenues and Expenses Provided for in the FY 08-09 Budget." (**Amended for second reading.**)

Ordinance No. 08-09-601

Before a motion was made concerning second reading of Ordinance No. 08-09-601, "An Ordinance Providing for a Lease and Agreement Between Edgefield County and Western Carolina Aviators, LLC, for Approximately One Acre of Land with Improvements Consisting of a Metal Aircraft Hangar Building Located at the Trenton Airport, Councilman Kitchens made a motion to amend this ordinance. He felt that \$100 for one year and after one year look at extending the lease under the same conditions that's intended for a five year. It may be beneficial to the county to do this. Future leases would be determined by the commercial price index. Motion died for a lack of a second.

Councilman Dorn made the motion to approve Ordinance No. 08-09-601 as it is presented. The motion was seconded by Councilman Bright. Motion carried with Councilman Hudson opposing.

Ordinance No. 08-09-602

Councilman Bright made the motion to approve the third and final reading of Ordinance No. 08-09-602, "An Ordinance to Restrict the Use of All Tobacco Products at All Edgefield County Owned or Leased Recreation Facilities." Motion carried unanimously.

RESOLUTIONS

Mr. Rob Smith with Moore & Van Allen was present to address council concerning Resolution No. 08-09-309, "A Resolution Requesting that the South Carolina General Assembly Continue to Support Meaningful Incentives for Recyclers in Recognition of the Energy and Environmental Benefits of Recycling to Our County, The State and The Nation." The chairman stated that our Recycling Coordinator, Tim Fox, and Colin

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Covington, General Manager of Three Rivers Landfill, have reviewed this resolution and given their approval of it.

Mr. Smith stated that his firm represents Nuco Steel, one of the largest recyclers in the nation. We are on a campaign to promote recycling based on the fact that there are a number of green initiatives that are being presented throughout the United States at state levels regarding renewable energy, bio-mass and other things like that, which are all great. We want to make sure that we also remember that one of the original green initiatives was recycling and it creates jobs here in South Carolina and we want to promote it and we are asking for council's support through this resolution.

Motion was made by Councilman Hudson, seconded by Councilman Bright, to approve resolution No. 08-09-309. The motion carried unanimously.

New Business

Chris Young, US Marine Corps, briefed the council on training that will take place in Edgefield County. "The US Marine Corps, stationed out of Camp Lejeune, has established a new command under the US Special Operations Command – the Command is known as MARSOC. We will be conducting training here in the Sumter National Forest area which encompasses about five counties. The training will be a low level training with approximately sixty (60) students who will be Marine troops and up to 120 other military personnel that will act as support personnel. The vehicles that will be used will be not more than seven ton wheel trucks. There will be no heavy artillery tanks or any earth moving equipment, etc. This training is specifically designed to allow the US Marine Corps students to understand how to work better with civilian populations. As you are aware of what is going on in Iraq and Afghanistan, the US military has to be able to come in to established communities and work with religious people, the clergy, the government that is already there and the local population in order to help them build a better country and to rebuild their country in times of war. In addition to the students doing small maneuvers that are considered light infantry maneuvering, which is primarily walking around in the woods and having little skirmishes and ambushes, all will be done with blank fires. There will be no live ammunition used whatsoever. All of this obviously can be done on a military training reservation. The reason we come here is because we want to be able to integrate with the public moving around in the area talking to private landowners, business owners and individuals trying to get their support as volunteers allowing them to use their facilities or land and act as role players in which they can be part of this training and come in and essentially help the Marines learn how to work with the civilian population.

We have written a *Memorandum of Understanding* (MOU) that we would like to have signed with Edgefield County. We have one that has been signed by the Edgefield

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County Sheriff (Adell Dobey). Mayor Durham of the Town of Edgefield has also signed a MOU and the counties of McCormick, Abbeville, Saluda, Greenwood have or are in the process of signing these MOU.

The necessary individuals, groups, etc. have been contacted concerning hunters in the area and how they will receive the proper information when training will be done in order to protect the hunters and the students. Actually there will be no wildlife in the areas the students will be because of the noise made by the students. The months that the training will occur are in April and October, 2009.

Motion was made by Councilman Dorn, seconded by Councilman Bright. Motion carried unanimously.

Economic Development / Bettis Rainsford

Bettis Rainsford, Chairman of the Edgefield County Economic Development Committee, explained to council that the Economic Development Committee has long tried to add to the tax base of Edgefield County by bringing industrial facilities here to the county. Over the last decade or so it has been extremely frustrating because as everyone knows many of the manufacturing facilities that would likely have located here previously are now going to China, Mexico and other places.

There is one type of industrial investment which is going to be made here in South Carolina which is going to be mammoth in scale, and that is the investment in new electrical generating facilities. Currently there is one plant that is already in the works that is to be located in Fairfield County which involve the investment of ten billion dollars. Fairfield County is smaller than Edgefield County with about 23,000 people. Under current law, when that facility is built and operating, Fairfield County will receive in the range of \$120,000,000 in *ad valorem* taxes or fees-in-lieu of taxes coming from that facility – an outrageous sum and tremendous windfall for that county – they are already licking their chops waiting for that to happen.

There has been a similar situation in Burke County in Georgia where Plant Vogle has resulted in an incredible tax windfall. It just seems to the Committee as we were contemplating this issue that it is awfully unfair for all of this property tax revenue to be going to one county when in fact because these facilities are so capital intensive they will basically employ relatively few people and make only negligible additions to the cost of operating the counties. So, almost of that additional revenue will be falling straight to the bottom line and the county will probably use it to either vastly improve its schools or as an alternative to reduce the millage rates overall.

So, we feel that it is unfair for one county to do that, particularly when you consider that

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all of us when we pay the electrical rates that we do (electrical charges on our monthly bills) on that bill, in as much as the electrical utilities are a regulated industry, those rates are basically based in part on all of their costs including the cost of the *ad valorem* taxes that they would be paying. We are all contributing to this tax windfall which will be coming to those few counties in which these generating facilities are located.

If we can change that law and basically say that for generating facilities for electrical power, all tax revenue should be shared equally on a per capita basis with all counties and school districts in the state, the result could be substantial to us. For example, here in Edgefield County, if you assume that we will have over the next fifteen years approximately twenty five billion dollars in new investment in electrical generating facilities across this state, and that assumes that the ten billion project already slated by SCE&G goes forward and there is another two billion dollar project that is being talked about (coal generating facility in Florence County) and there are other projects in the works as well. So, if you assume that all of those come together – what that means is that over the next fifteen years, approximately three hundred million dollars in annual property taxes will be generated state wide, which again, under the current law will go to only a few counties. If, however, we share that on a per capita basis from among all of the counties in the state, Edgefield County and the school district would stand to receive about \$1,731,171 in annual tax revenue. I think that is something worth fighting for – that would be a very meaningful addition to the tax base of Edgefield County.

Now, what does it take to get this change made, is it politically possibly? The one thing to remember is there a lot more “have not” counties than there are “have” counties. From a political standpoint, at the state level, when you look at the members of the state legislature, a lot more counties will be benefiting by having this change in the law than would be hurt by changing it. So, I feel, therefore, it is politically feasible to do. There is a possible consideration that given the set-up in our state government that one or two state senators could block this but I think it would enjoy such good universal support we can get it done.

How can we, here in Edgefield County, help implement this? In our Economic Development Committee meeting held a week or so ago, we had consulted in that meeting with one of the shrewdest attorneys dealing with state tax issues, Bernie Maybank. He is the grandson of our former Governor and US Senator, Burnett R. Maybank, serving until a few years ago as the head of the Department of Revenue. He is now in private practice in Columbia and has a very good knowledge of the laws of state tax issues. In speaking with Mr. Maybank, he generally thought it was a simple thing to do and it would not even require a constitutional amendment that we had thought it might, but could be done by simple legislation. We have also talked with some other people around the state that have had some experience in these matters. Howard Duval

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has been head of the Municipal Association for a number of years, and is an old friend of mine, and Howard probably would have as good of an understanding of these things as anybody. He thinks it is a great idea; however, as you might expect, he thinks the municipalities should be included – they should get a share of this tax revenue as well. Maybe he has a point because the more people you have supporting it the more likely it is you can get it passed.

In any event, as we decided how to go forward with this, what we thought what we would do is first have some meetings to feel things out which we have done, but then go about the proposition of setting up a special non-profit group to try to seek out the support. In order to do this and get this passed we are going to basically wind up having to bring on board someone like Bernie Maybank, who is a very capable guy but who does not work for free. And, also, perhaps bring someone on board who could basically be the full time executive director of this process to drive it through, and Howard Duvall, who is recently retired as the Executive Director of the Municipal Association, might be a candidate for that job. We actually discussed that with him in concept and he indicated that he would give it favorable consideration if the Municipal Association blessed it.

I have suggested that we ask both the county council and the school board to contribute up to \$5,000 each in a pool so that we would begin with some money to be able to hire some experts if we need it and, of course, we would immediately go out and try to get other counties in the state to support this as well and school districts and municipalities and so forth. As a practical matter I don't believe we would wind up needing the \$5,000 – all of it – and if we run into a brick wall on this thing for any reason, then hopefully we wouldn't spend much of anything on it. I think it is a good opportunity and the question is "Are you willing to put up that kind of money to get the kind of return that we have indicated."

Mr. Rainsford read a petition to Governor Sanford and the Members of the General Assembly. The petition basically goes through and lays out the argument for it.

Motion was made by Councilman Kitchens, seconded by Councilman Hudson, to support the request made by Bettis Rainsford. Motion carried unanimously.

Park appreciation and recreation request /Mrs. Betty Butler

Mrs. Butler stated that she was coming before council representing grandmothers and mothers from the Bettis Academy area in Trenton. Those of us who use the Edgefield County Recreational Park are concerned about our children under six. We want you all to know that often times your job is a thankless one and I too have served where you are and I know it is a thankless one. Thank you for everything you have done with the vision and the development of the Edgefield County Park. I am sure many of you have seen, as

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you travel by, it is well used by the Edgefield Community and others. We have been a part, the grandmothers and the parents that I am talking about, and we have seen the development of this park through its infancy stage. We are very proud of what you have done there and we hope you all are proud of your accomplishments there also.

Tonight we come as advocates for our children under six. When our children come to the park there is no kiddy land or play area for them and many times they ask “what about us?” They watch the other activities (soccer, baseball, football) but there is no kiddie land. So we come tonight to ask you, to appeal to you and we realize there are many budget cuts going on but we hope that in the future you will look at our appeal and maybe include us in a future budget of yours so you could come up with some money to help include just such an area for our children under six. Again, we thank you for what you have done and are doing there. It is a beautiful park and again, thank you. Chairman Kneece stated that council would look at this request at budget time.

Holiday Schedule for 2009

The 2009 Edgefield County holiday schedule was presented to council for consideration. Motion was made by Councilman Bright, seconded by Councilman Hudson, to approve the 2009 Edgefield County holiday schedule. Motion carried.

2009 Intergovernmental Meeting

Chairman Kneece suggested the date of Thursday, January 29, 2009, (5th Thursday) to hold the county’s annual intergovernmental meeting. Mr. Kneece put this in the form of a motion and the motion was seconded by Councilman Bright, Motion carried unanimously.

No Old Business.

Administrator’s Report

Next Tuesday, December 9th, the Heritage Corridor will sponsor the Ambassador’s Tour of Edgefield County. All citizens are invited to participate, all members of council. This tour will run all day from 8:00 am to 5:00 pm. Participants will look at our county through the eyes of a tourist coming into the county. Buses will be available to take the participants around the county.

Our youth recreation basketball sign-ups start next week (boys and girls) between the ages of 6 and 12 are eligible to participate.

Ms. Gladys Sligh with the US Census Bureau spoke with us yesterday regarding the need for census workers in Edgefield County. This is an employment opportunity that will be available for 40 to 50 people.

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Recreation Park / Councilman Dorn

Mr. Dorn asked for current information concerning the Liberty Springs Recreation Park (Northside). Getting the soil to perk seems to be a difficult situation. The church which is about 100 ft. from the park does not have a problem with septic tanks – we just seem not to be able to get off-base the septic tank process at the park. We have to get better engineering or something.

The administrator stated to Mr. Dorn that DHEC has been to the park at two different times to try to find some area in that Northside Park that would perk. They first did just the simple perk test where you do a little digging and they weren't able to get it to perk and then they said if we would get someone with a backhoe to dig larger and deeper holes that maybe they could get it to perk. So, Jimmy Feagin, with our Road Department went out with a backhoe and dug some holes while DHEC was there and they were not able to get it to perk. After that, we have been in communication with the Soil and Water Conservation Service. Ms. Benson in Greenwood that addressed council about a year ago who heads that up in this area said she would have some of her engineers and soil specialists look at the soil and the park area to see if they could design some sort of non-traditional septic system that would work there. They haven't gotten back to us with anything as yet.

Mr. Dorn feels that with eight acres of land they could find some part that would be feasible and particularly since Liberty Spring Church is less than 100 ft. away and they have no problems with their septic tank.

The administrator said they are trying to get it moving – of course, DHEC has to approve it. We are at their mercy on it, so whatever we come up with they will have to approve.

Recognition of two councilmen

At this time before recognizing guests, the Chairman presented Councilmen Kitchens and Hudson each with a plaque for their years of service to Edgefield County. Councilman Kitchens served on council from 2003-2008 and Councilman Hudson served on council from 2001-2008.

Guests

Ms. Gladys Sligh, Recruiting Assistant for the Census Bureau for Edgefield, Saluda, and Newberry Counties. She stated they started this month testing for applicants to work in the census department. It is very important to have a community to help back the Bureau in this because there are jobs available for Edgefield County citizens. They will be hiring approximately fifty employees in Edgefield County, but as we all know, Edgefield County is a very wide spread rural area and to be able to reach people for them to know

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these jobs are available I need people that know people to let them know there are jobs available. We are testing on Mondays, 10:30 a.m. at the town hall, every Monday morning through the month of December. Ms. Sligh said she was given approval prior to the council meeting that individuals do not have to call prior to coming for testing – just show up.

We know that the census is very important. You have heard individuals talking tonight about the money coming in from federal situations. We know that a reapportionment of seats in the House of Representatives comes from your census. The drawing of the state legislative districts come from the census, distributing more than three hundred billion dollars annually in federal, state, local and travel funds money also comes from the census. Evaluate the success of community programs – your identifying population that might be open to responsive new services and determining the sites of new businesses. All of this comes from the census. It is better to have people (employees) from Edgefield to go knock on doors when we get down to our numerators that people already know that to bring someone from another county coming in counting your county. We certainly want to get an actual counting in Edgefield County so the county can have as much from the federal government that it deserves.

We have jobs from the actual census takers that we call numerators; other than that we have available crew leaders and crew leader assistants. There will still be some other recruiting assistants that will be hired possibly, depending on whether other jobs are shifted around. There are also jobs available other than knocking on doors. Ms. Sligh did leave brochures for all to hand out to potential employees. We will probably test two hundred people to get fifty employees. The pay is from \$11 -\$17 an hour plus we pay for the training and, also, pay mileage for people who have to travel in their job.

No comments from the public.

Claims approved as follows:

- A. **PAYROLL: 11/3/08 thru 11/16/08**
 Regular.....\$224,674.35
- PAYROLL: 11/30/08 thru 11/30/08**
 Regular.....\$228,377.62
- B. **General Operating.....\$577, 105.13**
- C. **Sheriff Bonuses 11/24/08.....\$2,700.00**

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D.	Poll Workers	11/14/08.....	\$13,290.00
		11/24/08.....	\$1,540.00

Executive Session

The chairman asked for a motion to go in executive session to discuss an economic development project and a legal matter. Motion was made by Councilman Dorn, seconded by Councilman Hudson to go in executive session. Motion carried unanimously.

Returning to regular session, Chairman Kneece asked the administrator to explain. Mr. Pettigrew stated that a fee-in-lieu agreement was discussed that is currently in existence with Trenton Plastics. They have briefed us on their plans to pursue a change to the fee-in-lieu agreement. If the changes are made it will require three readings of a new ordinance.

Also, concerning a law suit, the county attorney has been asked to pursue settlement efforts on this matter.

Councilman Bright made a motion to have the county attorney pursue a settlement on the law suit. Motion was seconded by Councilman Dorn and the motion carried unanimously.

There being no further business, the motion was made by Councilman Hudson, seconded by Councilman Dorn, to adjourn. The next regular meeting of council is scheduled for Tuesday, January 6, 2009.

ATTEST

Barbara R. Stark, Clerk to Council

C. Monroe Kneece, Chairman

Willie C. Bright, Vice Chairman

Norman Dorn, Councilman

Joel D. Hudson, Councilman

B. Everette Kitchens, Councilman

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The December 2, 2008, Edgefield County Council Minutes were approved as amended. The first segment of Mrs. Anderson addressing council concerning Ordinance No. 08-09-601 was omitted and the following is made part of the December 2, 2008 minutes. Also, prior to Mrs. Anderson's comments on Page 2, some of Mr. Dick Murphy's comments were omitted.

Dick Murphy. As I stated, when each of us started this, the airport was different as to what it is today and that is o.k. – things change over time. It works for us as I said. It is comfortable – I keep going back to the phrase “it works.” But a five year commitment, \$18,000 and any of us could become liable for it, we are not sure that is a fair arrangement. Again, we do not want to burn up the county's time so if it had automatic renewal that might an option we could live with. Thank you gentlemen.

Linda Anderson. This is regarding the airport obviously. There are six commercial airports in South Carolina, there are fifty four general aviation . I did a poll of the airports in South Carolina- took a random sample- and what I found is that we are comparable.

Edgefield County is unique. I confirm that the size and the scope of airports are as diverse as the communities in which they are located. The support, in both financial and physical that they receive. Many of the larger airports receive not only county funding they receive grant funding from the state as well as funding from the FAA. This airport receives none. The only funding generated at this airport for any of the expenses is through the rent. That is the way it has been for the past 14 years since we have been there. Obviously to keep your rents low, to meet your expenses and maintain the airport in the quality of manner that it should be is a huge task. Most people I spoke with at various airports will tell you that if you break even in running an airport you are doing well. Most of the time we have been at the line of doing well or just below because of the loss of money. I know there are those who think we are making huge sums out there but we aren't. We never have been and that was not our intention when we went there. We have built hangars out there, we built the airport, there are now 26 planes there not including those Mr. Murphy and Mr. Dupont taked about.

Would we like to have a better facility, sure we would. Can we afford it, no. When you have to provide all of the equipment, all of the maintenance plus the labor, and that does not include any salary. We receive no salary for the maintenance of the airport nor for the actual labor of it. If it were not for the people who pay the rent there and for the Trenton Flyers because they not only support us financially but they help physically in building those hangars and in maintaining everything there. Beyond that, they are also ambassadors for this county. This airport is well known throughout the southeast and in particularly in South Carolina. It is a unique airport, one of a kind in that the Edgefield

County Airport is the only public use, public owned airport with turf runways with no public funding. It is strictly through private funds.

We have attempted throughout the 14 years that we have been there to make it an area that people want to come to, not just for recreation for the community, but for the people coming in from the outside. The economic potentials are limited only by the vision and by the support this airport receives. People will tell you in other airports that people who come in for economic development they looking first at the area, they are looking at your water and power, and they are looking at your workforce. But another thing they are looking at is your airport facilities. Now this airport may never be Columbia.

The main thing we want is for this county council to support us in these efforts.